

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL : MDL No. 2804  
PRESCRIPTION OPIATE :  
LITIGATION : Case No. 17-md-2804  
APPLIES TO ALL CASES : Hon. Dan A. Polster  
:  
:

HIGHLY CONFIDENTIAL

SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

- - - -

DECEMBER 18, 2018

- - - -

VIDEOTAPED DEPOSITION OF EUGENE TOMMASI,  
taken pursuant to notice, was held at Marcus &  
Shapira, One Oxford Center, 35th Floor, Pittsburgh,  
Pennsylvania 15219, by and before Ann Medis,  
Registered Professional Reporter and Notary Public in  
and for the Commonwealth of Pennsylvania, on Tuesday,  
December 18, 2018, commencing at 9:00 a.m.

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## \* I N D E X \*

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Exhibit 1	Invitation to the presentation of Giant Eagle Pharmacy Year 2015 AOP/ Business Plan, 6/24/14 HBC_MDL00034114 - 00034149	32
Exhibit 2	Email, 3/20/18, from L. Kolas to G. Chunderlik, subject: Rhodes- Distributor Questionnaire and Supporting Docs, attaching Rhodes questionnaire, GE SOM Program, GE Officers and Directors List HBC_MDL00030616 - 00030622	36

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P R O C E E D I N G S

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THE VIDEOGRAPHER: We are now on the record. My name is Chris Ratano. I'm a videographer for Golkow Litigation Services. Today's date is December 18, 2018, and the time is approximately 9:00. This video deposition is being held in Pittsburgh, PA at Marcus & Shapira, LLP, One Oxford Centre, 35th Floor, in the matter of National Prescription Opiate Litigation, MDL No. 2804, Case No. 17-md-2804, United States District Court, Northern District of Ohio, Eastern Division.

The deponent today is Gene Tommasi.

Will counsel please identify themselves for the record.

MR. HUDSON: Ty Hudson of Wagstaff & Cartmell for plaintiffs.

MR. BARTON: Eric Barton of Wagstaff & Cartmell for plaintiffs.

MR. TRAGONE: Adam Tragone, Pietragallo, for Cardinal Health.

MS. WINSTON: Sylvia Winston from Jackson Kelly for AmerisourceBergen.

MR. HUDSON: Robert Barnes for HBC,

1 Marcus & Shapira.

2 THE VIDEOGRAPHER: The court reporter  
3 today is Ann Medis, and she will now please swear  
4 in the witness.

5 EUGENE TOMMASI,  
6 having been first duly sworn, was examined  
7 and testified as follows:

8 EXAMINATION

9 BY MR. HUDSON:

10 Q. Good morning, sir. Could you please  
11 state your name for the record.

12 A. Yes. It's Eugene Tommasi.

13 Q. And, Mr. Tommasi, do you reside here in  
14 the Pittsburgh area?

15 A. I do.

16 Q. And are you currently the executive vice  
17 president and chief supply chain and development  
18 officer for Giant Eagle?

19 A. I'm not.

20 Q. What is your current role at Giant  
21 Eagle?

22 A. I'm retired.

23 Q. And when did you retire?

24 A. June 30 of 2018.

25 Q. Prior to retiring, were you the

1 executive officer for supply chain and development  
2 at Giant Eagle?

3 A. Yes.

4 Q. And have you had your deposition taken  
5 before?

6 A. I might have. I don't recall.

7 Q. Before we get going, let's just make  
8 sure then that we are on the same page about how a  
9 deposition works.

10 I'm going to be asking you questions, and  
11 then you will be answering. And from time to  
12 time, counsel may object. But unless your counsel  
13 instructs you to answer -- not to answer the  
14 question, I would ask you to answer the questions  
15 you were asked.

16 Is that fair?

17 A. Sounds fair.

18 Q. You do understand that you're under oath  
19 as if we were in a courtroom in front of a judge  
20 and a jury?

21 A. Yes.

22 Q. If I ask a question and you answer, I'm  
23 going to assume that you understood my question  
24 unless you ask me to clarify.

25 Is that fair?

1 A. It depends.

2 Q. Well, let me put it to you this way.

3 If you don't understand my question, will you  
4 let me know so I can kind of make sure I clarify  
5 it so we're on the same page?

6 A. Will do.

7 Q. You're doing a good job of this, but, if  
8 you can, give audible answers for the court  
9 reporter. She can't pick up on head shakes or  
10 things like that, so if you can do that.

11 And then, lastly, if you need to take a break  
12 at all, just let me know, and we can go off the  
13 record.

14 A. Okay.

15 Q. What did you do to prepare for today's  
16 deposition?

17 A. Very little.

18 Q. Were you shown any documents?

19 A. Yeah. I saw some documents, yes.

20 Q. Did any of those refresh your  
21 recollection?

22 A. Not really.

23 Q. Approximately how long did you spend  
24 preparing for today?

25 A. A couple hours.



1 Q. Have you read the complaint that was  
2 filed in this case?

3 A. I have not.

4 Q. Were you aware of the lawsuit prior to  
5 being contacted about this deposition?

6 A. I was not.

7 Q. Let me shift gears, then, to just ask  
8 you about your education.

9 You've got a bachelor of science in economics  
10 from Allegheny College?

11 A. Correct.

12 Q. And you began working at Giant Eagle in  
13 about 1992?

14 A. Correct.

15 Q. What did you do after graduating from  
16 college, but before you started working at Giant  
17 Eagle?

18 A. I worked for a food wholesaler.

19 Q. What was the name of that food  
20 wholesaler?

21 A. Peter J. Schmitt.

22 Q. How long did you work there?

23 A. From '82 until I went to work for Giant  
24 Eagle in '92. Nine and a half years.

25 Q. And at Giant Eagle in 1992, did you

1 start as the director of distribution?

2 A. Yes.

3 Q. And what were your roles and  
4 responsibilities in that position?

5 A. I was responsible for our frozen food  
6 facility in Youngstown, Ohio, and a cigarette and  
7 candy facility in West Newton, Ohio.

8 Q. And then, in 1996, were you promoted to  
9 the VP of retail development store planning?

10 A. Correct.

11 Q. And what were your roles and  
12 responsibilities in that position?

13 A. I was responsible for independent  
14 retailing and store planning.

15 Q. Did you have a specific region or was  
16 it --

17 A. For the company.

18 Q. -- across the entire company?

19 A. Yeah.

20 Q. And then, in 2005, were you promoted to  
21 senior vice president of retail operations?

22 A. That's correct.

23 Q. And tell me about your roles and  
24 responsibilities as a senior vice president of  
25 retail operations.

1           A.    I was responsible for the retail  
2 operations of the Giant Eagle corporate and  
3 independent stores.

4           Q.    And by "retail operations," does that  
5 mean the supermarkets and convenience store  
6 locations?

7           A.    At that time we didn't have convenience  
8 store locations. But I had, basically, just the  
9 operations for the supermarket.

10          Q.    And, again, that was across the entire  
11 company?

12          A.    Yes, sir.

13          Q.    At some point did Giant Eagle decide to  
14 form a company called HBC Services Company?

15          A.    Yes.

16          Q.    Were you involved at all in the decision  
17 to form that company?

18          A.    No.

19          Q.    Were you aware at the time that HBC  
20 Service Company was an entity that was created  
21 separate from Giant Eagle?

22               MR. BARNES: Object to form.

23               I don't know if he knows whether it was  
24 legal -- you mean a legal entity?

25               MR. HUDSON: You can object.

1 MR. BARNES: Object to form.

2 THE WITNESS: I'm not sure what you  
3 mean.

4 BY MR. HUDSON:

5 Q. I mean, were you aware that Giant Eagle  
6 had formed a different company called HBC Service  
7 Corporation -- Service Company?

8 MR. BARNES: Same objection.

9 THE WITNESS: Yeah. I was aware that we  
10 formed an HBC company.

11 BY MR. HUDSON:

12 Q. And do you know when that company was  
13 formed?

14 A. I don't recall the time, no.

15 Q. Do you know why that company was formed?

16 A. I don't have a specific why.

17 Q. Do you have an understanding of what  
18 operations -- or what the role was for HBC  
19 Services Company? In other words, why was the  
20 company formed?

21 A. They delivered goods to our stores.

22 Q. Was HBC Service Company formed to be a  
23 distributor?

24 A. A wholesale -- yeah. They were a  
25 warehouse delivering goods to our stores.

1 Q. And prior to the formation of HBC  
2 Service Company, who was the wholesaler delivering  
3 goods to the stores?

4 A. I can't remember the name of the  
5 company. I think there might have been a couple  
6 different wholesalers.

7 I wasn't in the wholesale end of the  
8 business. I was in the retail end.

9 MR. BARNES: Just for clarification, are  
10 we talking about grocery goods generally or  
11 controlled substances, or both?

12 MR. HUDSON: I don't think there's a  
13 pending question.

14 MR. BARNES: Well, I'm going to object.  
15 Make sure you're clear about that.

16 BY MR. HUDSON:

17 Q. So prior to HBC Service Company being  
18 formed, was Giant Eagle in the business of acting  
19 as a wholesaler at all?

20 A. Yeah. We were a wholesaler for  
21 supermarket goods.

22 Q. In conjunction with HBC Service Company  
23 being formed, was there a warehouse that was built  
24 in Washington, Pennsylvania?

25 A. I don't believe there was a warehouse

1 built.

2 Q. In conjunction with HBC Service Company  
3 being formed, did they begin operating in a  
4 warehouse in Washington, Pennsylvania?

5 A. Yes.

6 Q. Did HBC Service Company have employees?

7 A. Yes.

8 Q. Were all of those employees located at  
9 the warehouse in Washington, Pennsylvania?

10 A. I don't know that.

11 Q. Do you have any knowledge about HBC  
12 Service Company's role as a distributor of  
13 opioids?

14 A. I do not.

15 Q. Do you have any knowledge of what  
16 products HBC acted as a distributor for?

17 MR. BARNES: Again, grocery versus  
18 controlled substances, are you asking him to make  
19 that clarification?

20 MR. HUDSON: No.

21 MR. BARNES: Then I'm going to ask you  
22 to make that clarification.

23 THE WITNESS: I didn't know of all the  
24 products that were there.  
25

1 BY MR. HUDSON:

2 Q. In your role on the retail side of the  
3 business, what interaction did you have with HBC  
4 Service Company?

5 A. None.

6 Q. Do you know how many employees HBC  
7 Service Company had?

8 A. I don't.

9 Q. Do you know who was the warehouse  
10 supervisor at the HBC Service warehouse?

11 A. No, I don't.

12 Q. Do you know any of the employees at the  
13 HBC Service warehouse who filled orders for  
14 prescription drugs?

15 A. I didn't.

16 Q. Do you know whether HBC Service Company  
17 obtained a license to act as a distributor of  
18 controlled substances?

19 A. No, I don't.

20 Q. Do you know whether or not HBC Service  
21 Company continues to have operations today?

22 A. I believe they do for grocery and candy  
23 products.

24 Q. Do you know whether at some point HBC  
25 Service Company stopped acting as a distributor of

1 prescription drugs or controlled substances?

2 A. I'm sorry. Did you say when?

3 Q. Yes.

4 A. I don't.

5 Q. Is it your understanding that at some  
6 point HBC Service Company did stop acting as a  
7 distributor for prescription drugs and controlled  
8 substances?

9 A. I don't know what controlled substances  
10 they distributed.

11 Q. Do you have any knowledge about the --  
12 and I want to focus in now on the dates between  
13 2009 and early 2016.

14 It's my understanding that between 2009 and  
15 early 2016, HBC Service Company acted as a  
16 distributor of opioids.

17 Do you know whether that's true or not?

18 MR. BARNES: Object to form.

19 THE WITNESS: I would have to -- I  
20 don't -- I believe they distributed to Giant  
21 Eagles.

22 BY MR. HUDSON:

23 Q. Do you have any knowledge about how the  
24 physical supply chain worked in terms of the --  
25 you know, the process of the prescription drugs



1       went from the manufacturer to the wholesaler or  
2       distributor to the retail pharmacies?

3           A.    Not really, no.

4           Q.    Do you have any knowledge about the  
5       relationship between Giant Eagle and McKesson or  
6       Anda?

7           A.    I do not.

8           Q.    Do you have any knowledge about the  
9       different FDA schedules for controlled substances,  
10      in other own words, Schedule I, Schedule II,  
11      Schedule III, Schedule IV, Schedule V?

12          A.    I know there -- I don't know what they  
13      are or what the drugs are. I've heard those  
14      schedules before.

15          Q.    How did you hear those schedules or when  
16      did you hear those schedules?

17          A.    Jeez, it's just sort of like -- I can't  
18      tell you exactly where or how, but, you know, it's  
19      just...

20          Q.    Being in the business at some point  
21      along the way?

22          A.    I've heard about schedule, yeah.

23          Q.    How about the topic of opioids in  
24      general, is that something -- have you heard the  
25      phrase "the opioid crisis"?

1 A. Oh, yes. I've heard it.

2 Q. And when did you first hear that?

3 A. Gosh. I mean, I -- it's all over the  
4 news all the time. So I can't give you an exact  
5 date.

6 Q. How about -- is that something that  
7 you've heard of for years?

8 A. Years? I think over the past two or  
9 three.

10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]

18 Q. Since -- tell me about from January of  
19 2012 until your retirement. You were an executive  
20 vice president at Giant Eagle; is that right?

21 A. Yes.

22 Q. Just describe for me, if you could, the  
23 chain of command or the corporate hierarchy within  
24 the company during that time period.

25 In other words, you're an executive vice

1 president. Just describe for me -- were there  
2 other executive vice presidents? Who did you  
3 report to?

4 A. I reported to the president of the  
5 company. And I believe at that time there might  
6 have been one or two other executive VPs;  
7 definitely one.

8 Q. What was the title of the other  
9 executive VP?

10 A. Executive vice president of  
11 merchandising and marketing.

12 Q. When you shifted roles from executive  
13 vice president of retail operations to executive  
14 vice president of chief supply chain, did your  
15 roles expand?

16 A. They just changed. That was basically  
17 in my last year of working at Giant Eagle. I was  
18 scheduled to retire, so we moved other people into  
19 the retail operations.

20 I took over that part of the business from a  
21 standpoint mainly because of the real estate end  
22 of the business and the, what we called,  
23 independent Giant Eagle stores. And the fellow  
24 that ran the warehouses reported up through me on  
25 an interim period.

1 I was preparing for retirement during that  
2 phase of my career.

3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]

14 Q. As the senior VP of retail operations,  
15 were there other executives at Giant Eagle who  
16 reported to you that were responsible for the  
17 pharmacy?

18 A. There was a senior VP of pharmacy. He  
19 did not report to me. And then there was a vice  
20 president of pharmacy operations. He reported to  
21 me for a short period of time while we were  
22 looking for a new senior VP of pharmacy.

23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q. Who was the senior vice president of  
8 pharmacy?

9 A. There were at that time Randy Heiser.

10 Q. When you say -- just so the record is  
11 clear, when you say "at that time," what time are  
12 we talking about?

13 A. The times that you were talking about.  
14 I think it was 2012 is when you were talking about  
15 that.

16 Q. And then at some point did that change?

17 A. Yes.

18 Q. When did that occur?

19 A. I don't know the date exactly.

20 Q. Tell me what you do know.

21 A. I'm retired. What I do now?

22 Q. No. Sorry. Tell me what you do -- what  
23 you do know. Sorry.

24 [REDACTED]

25 [REDACTED]

1  
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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

24 Q. Do you have any knowledge about the  
25 contracts between Giant Eagle and drug

1 manufacturers to purchase prescription drugs?

2 A. No specific knowledge.

3 Q. Do you know which particular  
4 manufacturers Giant Eagle directly purchased from  
5 in terms of prescription drugs?

6 A. Jeez, I imagine there's a lot.

7 Q. But in terms of the specifics, that  
8 wasn't something that you --

9 A. I don't know what specific drug was  
10 purchased from what specific supplier.

11 Q. Do you have any knowledge about the  
12 relationship between Giant Eagle and McKesson or  
13 Anda?

14 A. Do I have any knowledge about the  
15 relationship?

16 Q. Yes.

17 A. I know there was one.

18 Q. Anything more specific than that?

19 A. No. Sorry.

20 Q. You can only testify about what you  
21 know.

22 Do you know whether or not there was ever an  
23 effort within Giant Eagle or HBC to target pain  
24 management as a corporate business opportunity?

25 A. No.

1 Q. Do you have any knowledge about the  
2 Giant Eagle corporate goals for pharmacies in  
3 terms of how to drive revenue?

4 A. Not really.

5 Q. Do you have any knowledge about the  
6 federal laws and regulations that govern  
7 distributors of opioids?

8 A. I don't have any specific knowledge of  
9 that, no.

10 Q. Do you have any general knowledge of  
11 that?

12 A. I'm just aware that there probably are  
13 some.

14 Q. Do you have any knowledge of what  
15 distributors of controlled substances are required  
16 to do under the federal laws and regulations?

17 A. I don't have any specific knowledge of  
18 that, no.

19 Q. Do you have any general knowledge of  
20 that?

21 A. Again, I'm just assuming there is  
22 regulations.

23 Q. Do you know whether or not HBC designed  
24 and operated a system to identify suspicious  
25 orders of controlled substances?



1           A.    I don't know whether they designed a  
2 system.

3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]

17 BY MR. HUDSON:

18           Q.    Other than any conversations or  
19 communications you had with Giant Eagle attorneys,  
20 do you have any knowledge about Giant Eagle or  
21 HBC's operation of a system to identify suspicious  
22 orders of controlled substances?

23           A.    I don't have any specific knowledge.

24           Q.    Again, do you have general knowledge?

25           A.    Well, very limited.

1 Q. Could you just -- if you could -- and,  
2 again, apart from any knowledge you gained from  
3 communications with attorneys, could you tell me  
4 what limited knowledge you have?

5 A. That there's a system.

6 Q. How did you learn there was a system?

7 MR. BARNES: Same instruction.

8 THE WITNESS: I mean, I don't know. I  
9 mean, I can't give you an exact.

10 BY MR. HUDSON:

11 Q. To your knowledge, what did the system  
12 consist of?

13 A. I don't know that -- I don't really know  
14 what the system consisted of.

15 Q. Who was involved in operating the  
16 system?

17 A. I don't know that either.

18 Q. What was the objective of the system?

19 A. I'm trying to -- I really don't know.

20 Q. Do you know whether the system was  
21 successful or unsuccessful?

22 A. I don't.

23 Q. Do you know how the system operated?

24 A. No. I...

25 I do not, I should say. I didn't answer.

1           Q.    Do you have any knowledge about any  
2    investigations by Giant Eagle or HBC to address  
3    suspicious orders of controlled substances?

4           A.    I don't.

5           Q.    Do you know whether or not Giant Eagle  
6    or HBC engaged in any investigations of suspicious  
7    orders of controlled substances?

8           A.    That I'm aware of, no.

9           Q.    Do you have any knowledge of the volume  
10   of opioids shipped by HBC into retail pharmacies  
11   in Summit County, Ohio?

12           MR. BARNES:  Same instruction.  Outside  
13   the context of anything you might have learned  
14   with Giant Eagle's lawyers.

15           THE WITNESS:  No.  I don't have any  
16   knowledge.

17   BY MR. HUDSON:

18           Q.    Do you have any knowledge of the volume  
19   of opioids shipped by HBC or Giant Eagle just in  
20   general?

21           A.    I do not.

22           Q.    Do you know whether Giant Eagle or HBC  
23   ever stopped a shipment of opioids because it was  
24   suspected that there would be -- suspected of  
25   diversion?

1           A.    I don't.

2           Q.    Do you know whether or not Giant Eagle  
3 or HBC ever reported any orders to the DEA as  
4 suspicious orders of opioids?

5                   MR. BARNES:  Same instruction.

6                   THE WITNESS:  I do not.

7 BY MR. HUDSON:

8           Q.    Do you have any knowledge of any  
9 corporate controls that existed at Giant Eagle or  
10 HBC to reduce the diversion of opioids?

11          A.    No, I don't.

12          Q.    Do you have any knowledge of any store  
13 controls at the pharmacy operations level that  
14 were aimed at reducing the diversion of opioids?

15          A.    No, not that I could think of.

16          Q.    Do you have any knowledge of any of the  
17 warehouse controls put in place by Giant Eagle or  
18 HBC to reduce the diversion of opioids?

19          A.    I don't have any specific knowledge.

20          Q.    Do you have any general knowledge?

21          A.    I don't have anything specific.  I mean,  
22 I'm just assuming if there was laws that needed to  
23 be followed, that we followed them.  But I -- you  
24 know, I don't -- I don't know what the -- what the  
25 systems were or anything like that.

1           Q.    Do you have any facts that you can point  
2   to that would support your assumption that Giant  
3   Eagle or HBC was following the law?

4           A.    I know that Giant Eagle, as a company,  
5   follows the laws. I know that that's we do.

6           That's my statement.

7           Q.    Is there anything more specific you can  
8   say about your knowledge of efforts by Giant Eagle  
9   or HBC to follow the laws that specifically apply  
10  to the distribution of opioids?

11          A.    No. I have nothing to...

12          Q.    Do you have any knowledge of any reports  
13  that were sent by HBC or Giant Eagle to the DEA?

14          A.    I do not.

15          Q.    Let me hand you what I'm marking as  
16  Tommasi Exhibit 1. If you could take a minute and  
17  look at that.

18               MR. HUDSON: For the record, Tommasi  
19  Exhibit 1 is a multi-page document that's  
20  Bates-labeled HBC\_MDL00032530 through 534.

21               MR. BARNES: Ty, before you go any  
22  further, we're going to object to the use of this  
23  document. I think it was intended to be a  
24  privileged document and should not have been  
25  produced.

1 MR. HUDSON: I'll take this back then.

2 I don't think I need to mark it as an exhibit  
3 then.

4 MR. BARNES: I'm just taking down the  
5 Bates numbers. I'll double-check that at a break.

6 MR. HUDSON: I know you sent us several  
7 documents. I apologize if this was on the list.

8 MR. BARNES: The claw-back, you mean?

9 MR. HUDSON: Yes.

10 BY MR. HUDSON:

11 Q. Mr. Tommasi, do you know George  
12 Chunderlik?

13 A. I know George.

14 Q. Is he an attorney?

15 A. I don't believe so.

16 Q. How about Joe Millward, do you know him?

17 A. I do know Joe.

18 Q. Is he an attorney?

19 A. I don't believe so.

20 Q. How about Darin Goodwiler?

21 A. Yes.

22 Q. He's an attorney?

23 A. No, not that I know of.

24 Q. Greg Carlson, he's not an attorney;  
25 right?

1 A. Correct. Not that I know of.

2 Q. And Debbie Krasnow, is she an attorney?

3 Do you know who she is?

4 A. Yeah. I know who she is.

5 Q. Is she in compliance?

6 A. I don't -- she's in the pharmacy -- on  
7 the pharmacy team. I don't know what her specific  
8 role is.

9 Q. How about Dominic Bertucci?

10 A. I know him, yes.

11 Q. He's not an attorney; right?

12 A. No.

13 Q. Robbi Robinson?

14 A. Yes. She's an attorney.

15 Q. She is an attorney?

16 A. I do know that.

17 Q. Do you know if she's in compliance?

18 A. In compliance with what?

19 Q. The compliance department.

20 A. I don't know for sure.

21 Q. How about Justin Zimmerman?

22 A. Justin Zimmerman? I do know Justin. He  
23 may be an attorney. I'm not positive though.

24 Q. How about Mary Gibson?

25 A. Yes.

1 Q. Do you know her?

2 A. Yes.

3 Q. Is she an attorney?

4 A. You know, I think she may be an  
5 attorney.

6 Q. And Mike Bianco?

7 A. Yes.

8 Q. Is he an attorney?

9 A. I do not believe he's an attorney.

10 Q. And did you ever attend compliance  
11 meetings?

12 A. I don't recall attending a compliance  
13 meeting.

14 Q. In your role, did you have any interface  
15 with the compliance department on any issues  
16 relating to prescription drugs?

17 A. No.

18 MR. HUDSON: For the record, we've  
19 withdrawn the exhibit that was initially marked as  
20 Exhibit 1.

21 (HBC-Tommasi Exhibit 1 was marked.)

22 BY MR. HUDSON:

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(HBC-Tommasi Exhibit 2 was marked.)

BY MR. HUDSON:

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MR. HUDSON: Let's just take a  
five-minute break. We'll go off the record.

THE VIDEOGRAPHER: 9:44. We are off the  
video record.

(Recess from 9:44 a.m. to 9:57 a.m.)

THE VIDEOGRAPHER: 9:57. We are on the  
video record.

MR. BARNES: Ty, before you start, I do  
want to confirm.

I confirmed during the break that Exhibit 1  
is a privileged document. It was intended to  
be -- it has already been the subject of a

1 claw-back and/or will be the subject of a  
2 claw-back.

3 MR. HUDSON: Okay. And just for the  
4 record, we've withdrawn that. So it's not  
5 Exhibit 1.

6 MR. BARNES: Okay.

7 MR. HUDSON: So it's been withdrawn and  
8 wasn't used.

9 MR. BARNES: Thank you.

10 BY MR. HUDSON:

11 Q. Mr. Tommasi, do you have any knowledge  
12 about hydrocodone combination products?

13 A. I don't.

14 Q. Do you have any knowledge about  
15 profitability of the pharmacy as it relates to  
16 Giant Eagle's overall profitability?

17 A. I don't.

18 Q. Do you have any knowledge about any of  
19 the opioids that were sold by Giant Eagle?

20 A. I don't.

21 MR. BARNES: Object to the form of the  
22 question.

23 I think you know, Tyler, there's only one  
24 opioid at issue in this case that was distributed  
25 by HBC.

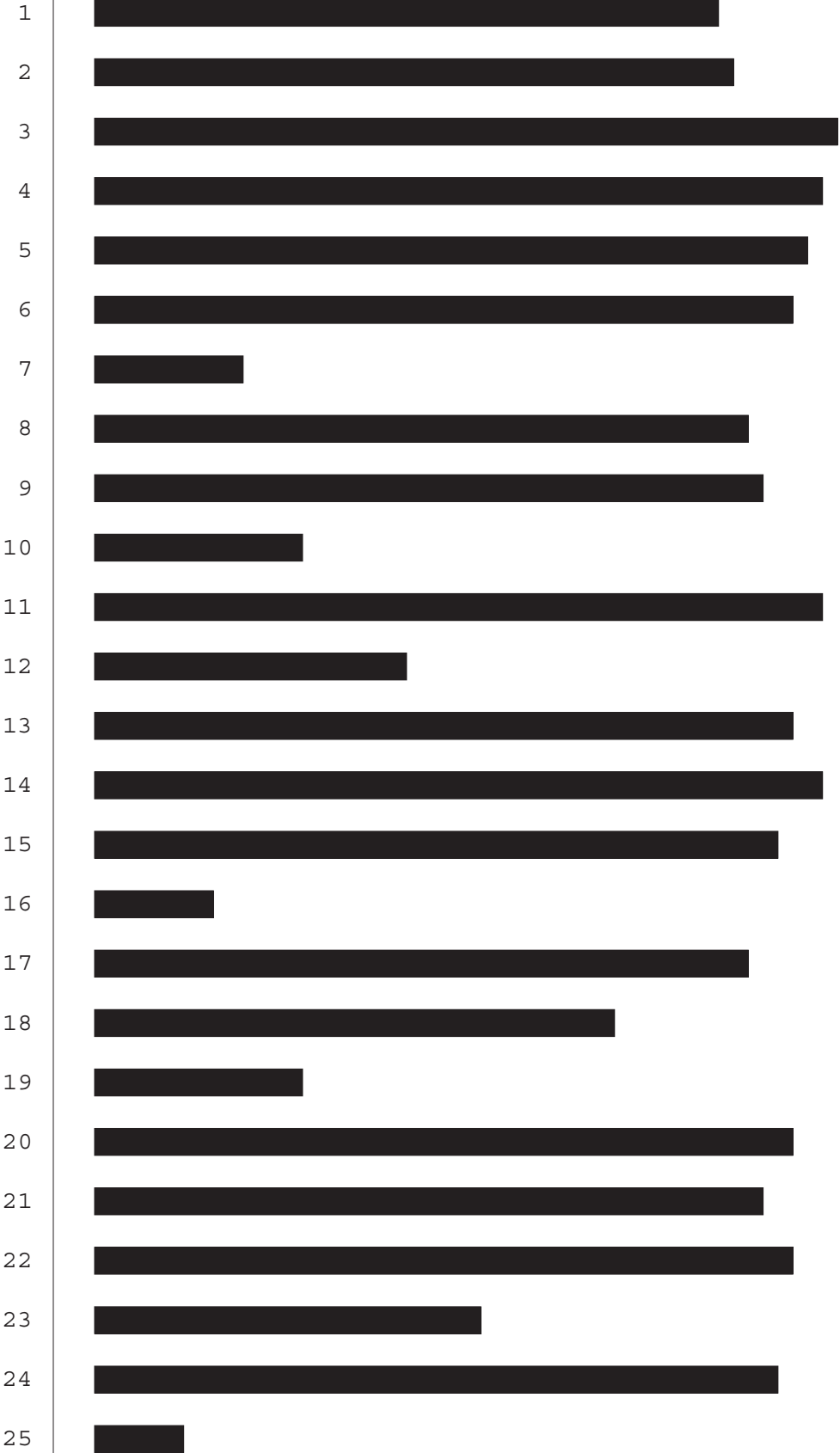


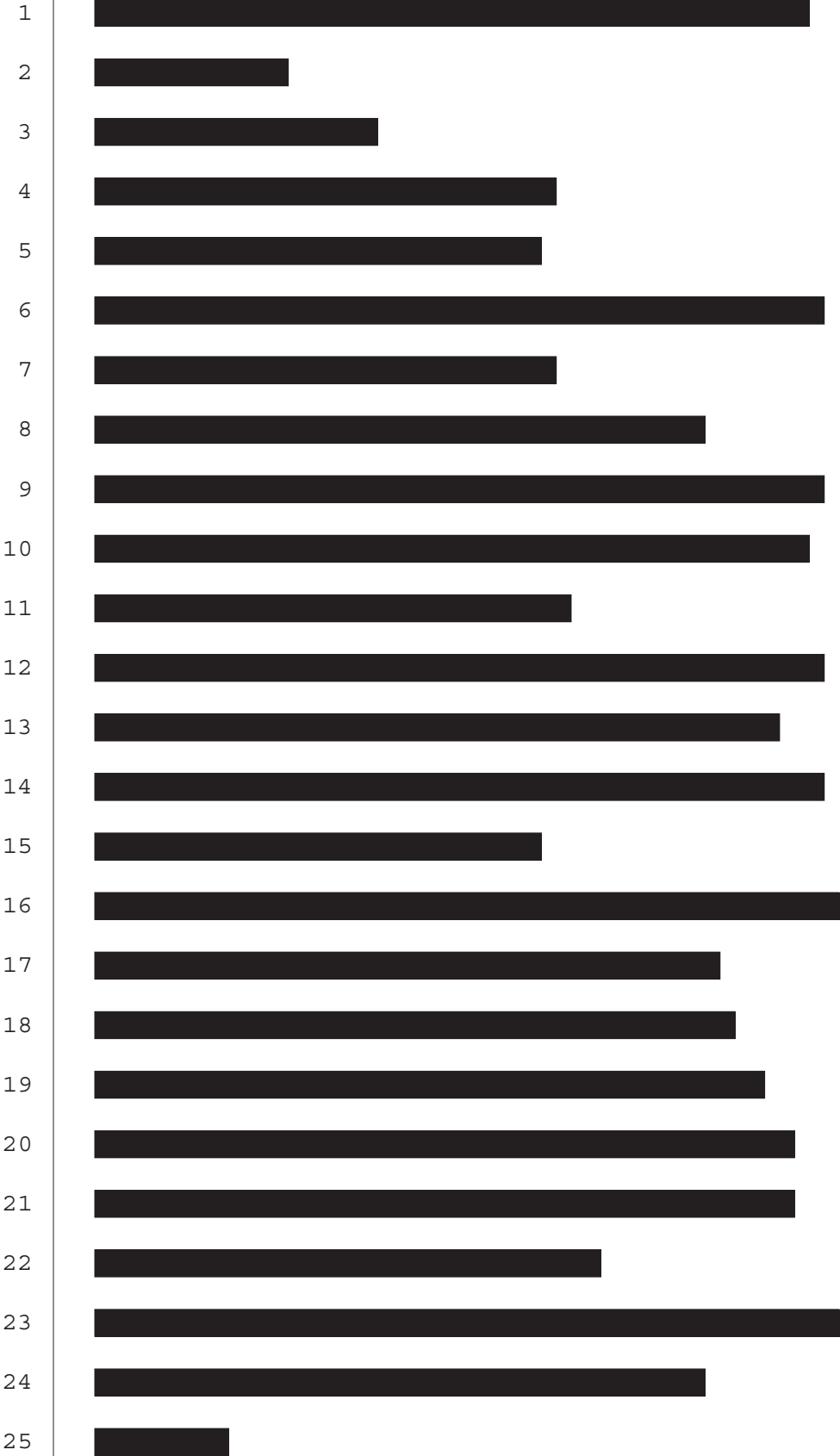
















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1 questions.

2 EXAMINATION

3 BY MR. BARNES:

4 Q. Mr. Tommasi, you were asked a few  
5 questions just a couple minutes ago about business  
6 meetings, and pharmacy meetings, and pharmacy  
7 profitability, and how it related to the stores  
8 generally.

9 Do you recall those?

10 A. Yes.

11 Q. Do you recall any approach or strategy  
12 by Giant Eagle to increase sales of opioids at any  
13 time in any part of the company?

14 A. No.

15 Q. Were any executives or pharmacists or  
16 employees ever bonused or incentivized to increase  
17 the sale of opioids in any way, shape, or form?

18 A. No.

19 Q. You were asked a few questions about the  
20 membership of the so-called pharmacy regulatory  
21 review committee.

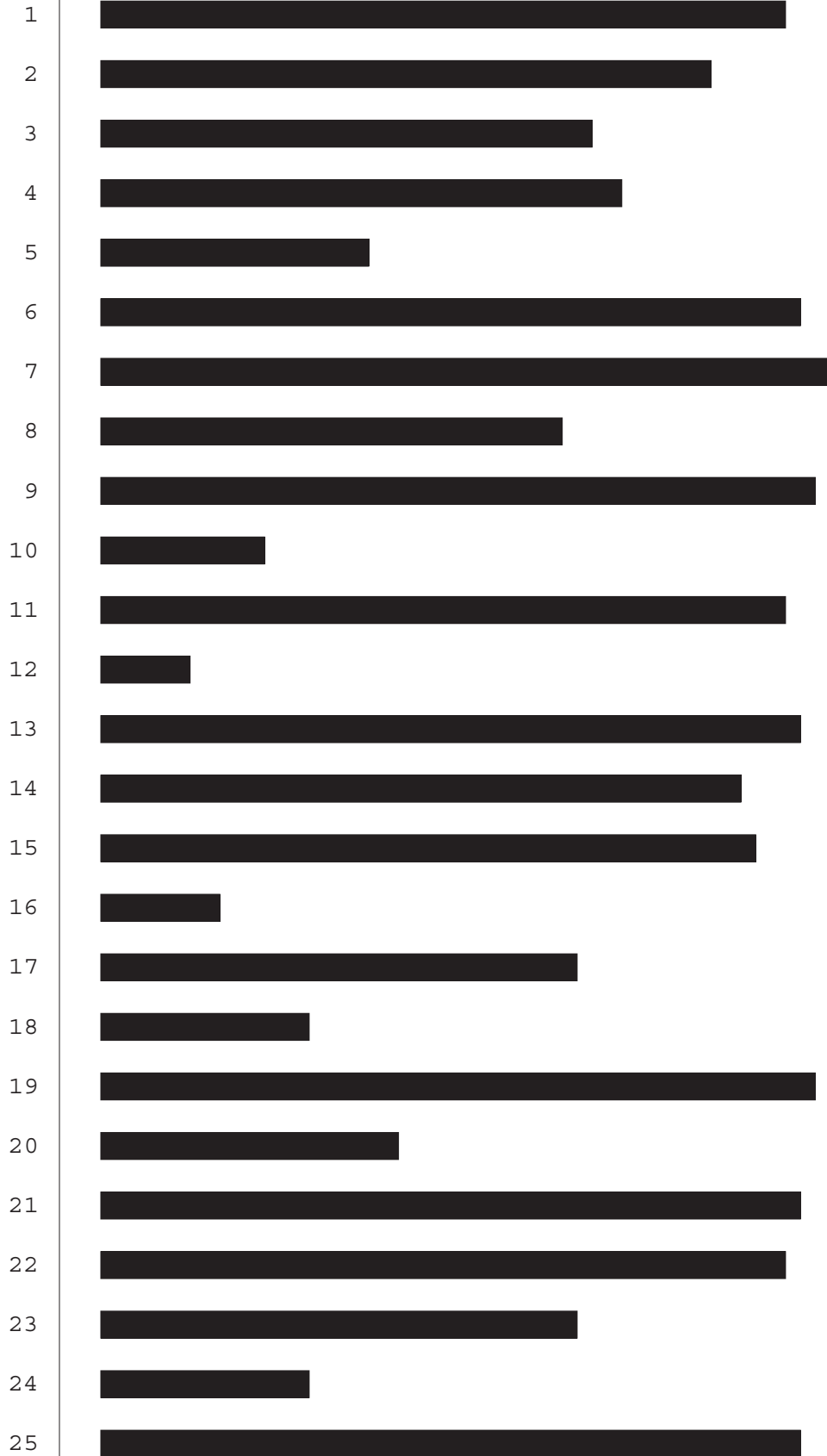
22 Do you remember those questions? Who was  
23 George Chunderlik, et cetera?

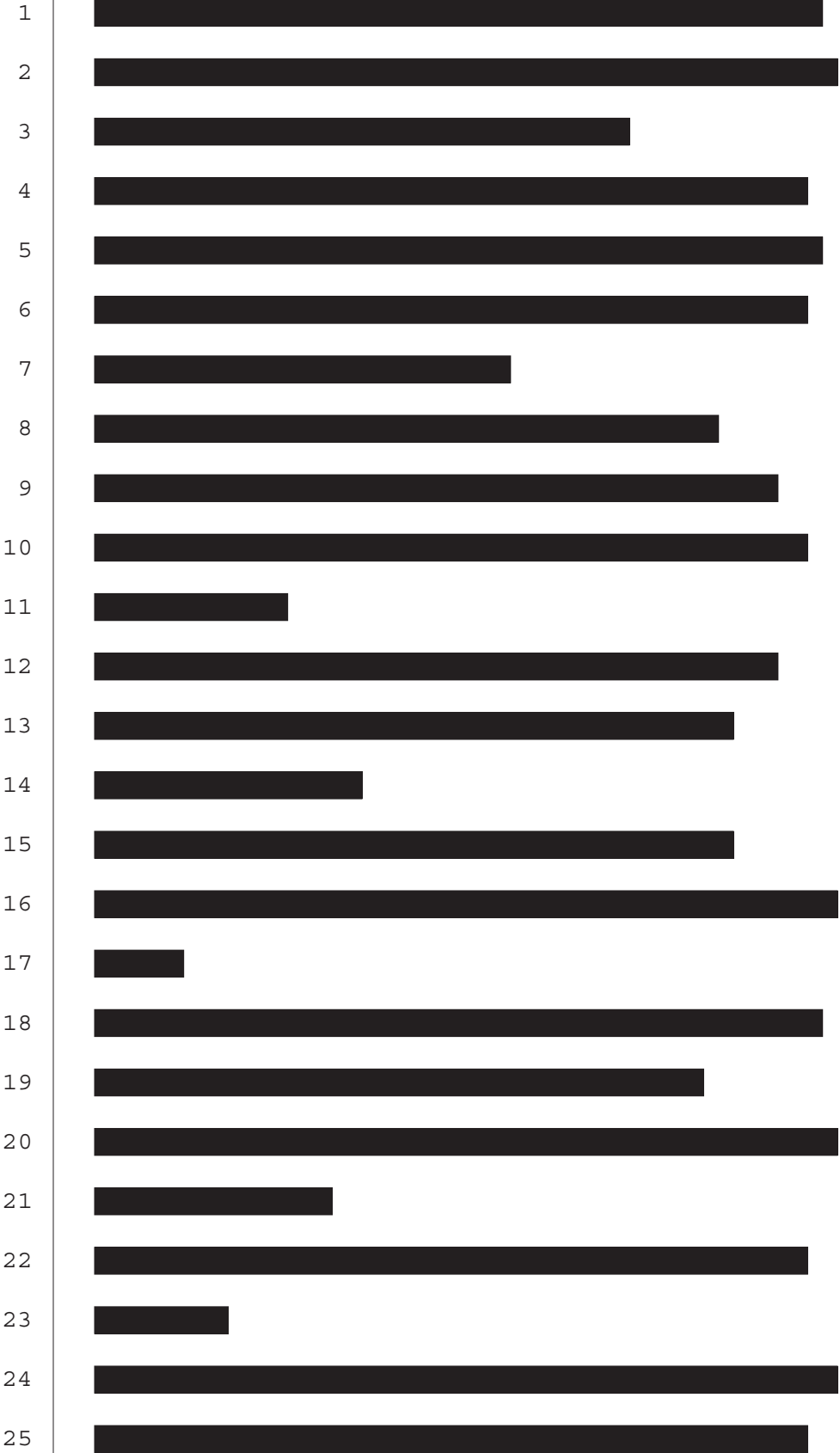
24 Do you remember that?

25 A. Yeah. I think a few minutes ago.



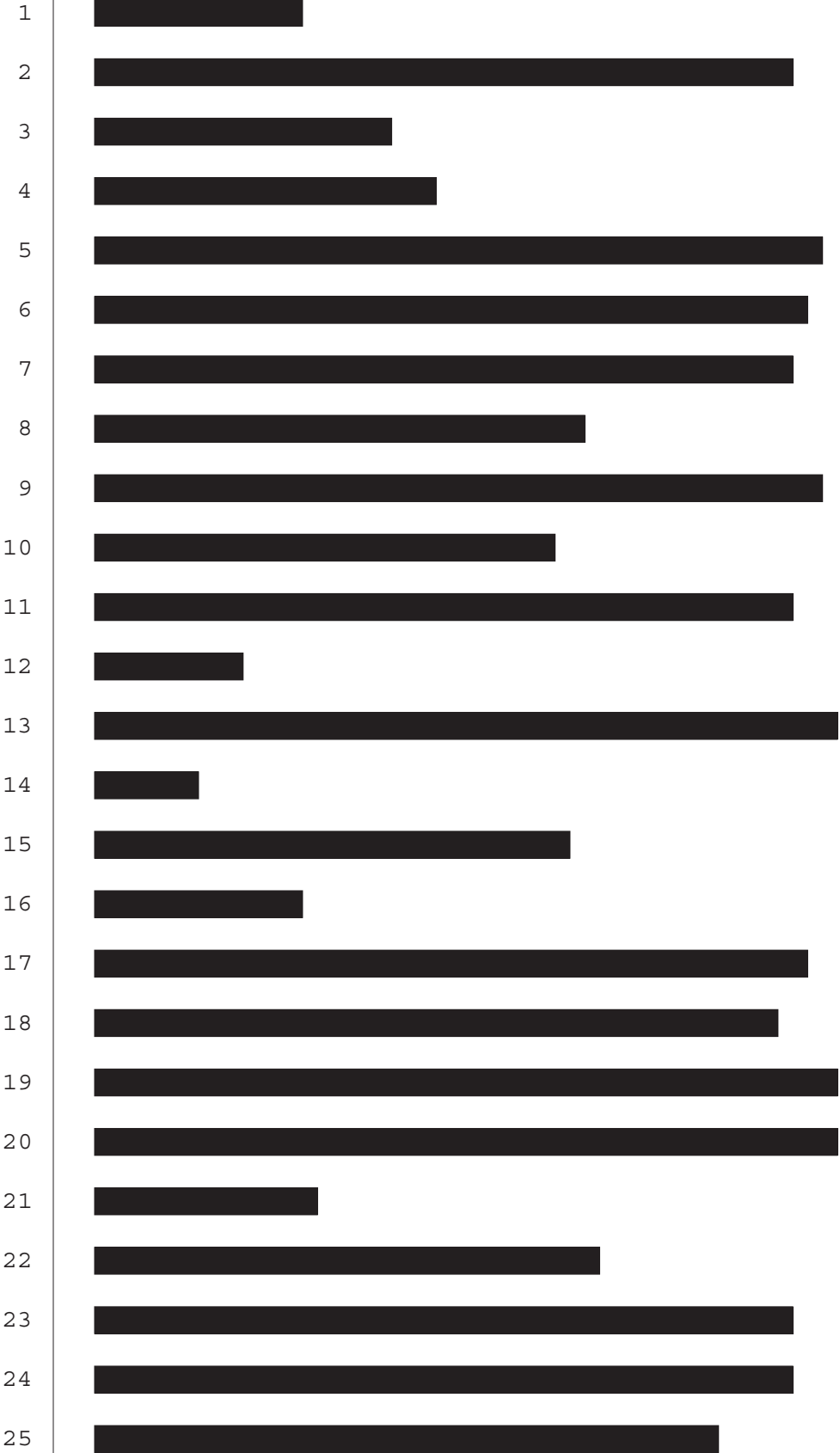
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17 MR. BARNES: Nothing further. Thank  
18 you.

19 THE VIDEOGRAPHER: 10:22. We are off  
20 the video record. This concludes the video  
21 deposition of Gene Tommasi.

22 (Whereupon, at 10:22 a.m., the taking of  
23 the instant deposition ceased.)  
24  
25



1 COMMONWEALTH OF PENNSYLVANIA )

2 COUNTY OF ALLEGHENY ) SS:

3 C E R T I F I C A T E

4 I, Ann Medis, Registered Professional  
5 Reporter, Certified Livenote Reporter and Notary  
6 Public within and for the Commonwealth of  
7 Pennsylvania, do hereby certify:

8 That EUGENE TOMMASI, the witness whose  
9 deposition is hereinbefore set forth, was duly  
10 sworn by me and that such deposition is a true  
11 record of the testimony given by such witness.

12 I further certify the inspection,  
13 reading and signing of said deposition were not  
14 waived by counsel for the respective parties and  
15 by the witness.

16 I further certify that I am not related  
17 to any of the parties to this action by blood or  
18 marriage and that I am in no way interested in the  
19 outcome of this matter.

20 IN WITNESS WHEREOF, I have hereunto set  
21 my hand this 21st day of December, 2018.

22  
23 \_\_\_\_\_  
Notary Public  
24  
25

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

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ACKNOWLEDGMENT OF DEPONENT

I, \_\_\_\_\_, do  
hereby certify that I have read the  
foregoing pages, and that the same is  
a correct transcription of the answers  
given by me to the questions therein  
propounded, except for the corrections or  
changes in form or substance, if any,  
noted in the attached Errata Sheet.

\_\_\_\_\_  
EUGENE TOMMASI

\_\_\_\_\_  
DATE

Subscribed and sworn  
to before me this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public